

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/3 Wise Avenue, 120' E of the * DEPUTY ZONING COMMISSIONER
c/l of Evergreen Drive
(200 Wise Avenue) * OF BALTIMORE COUNTY
12th Election District
7th Councilmanic District * Case No. 91-232-X
Edwin Hayes, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to permit one (1) illuminated 12' x 25' advertising sign on the subject property in accordance with Petitioner's Exhibit 1.

The Petitioners, by Edwin Hayes, Legal Owner, and Penn Advertising of Baltimore, Inc., Contract Lessee, by Donna Hayward, Real Estate Manager, appeared, testified and were represented by Stuart R. Berger, Esquire. Appearing as Protestants in the matter were Roger T. Cain, Harry L. Rainier, and John Ruke.

Testimony indicated that the subject property, known as 200 Wise Avenue, is zoned B.L. and is improved with a one story building as depicted on Petitioner's Exhibit 1. Said property is located within the Chesapeake Bay Critical Areas near Chink Creek. Petitioners are desirous of leasing 450 sq.ft. to Penn Advertising of Baltimore, Inc. for the purpose of erecting one, single-faced 12' x 25' advertising sign containing 300 sq.ft. total. In response to the Office of Planning and Zoning comments dated February 26, 1991, Petitioners argued the proposed sign will not obstruct the view of property owners or drivers and in their opinion, the use proposed will not result in any detriment to the health, safety or general welfare of the surrounding uses which Petitioners estimate to be 85% commercial. Petitioners testified as to the requirements of Sections

413.3, 413.5 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and concluded in their opinion that the relief requested meets the conditions set forth therein. Testimony indicated there were no other freestanding signs on the subject property.

The Protestants are generally opposed to the relief requested. Testimony indicated the subject property abuts residential uses and it is the Protestants' belief that the proposed sign will impede vision and create a hazardous traffic condition on an already congested route. The Protestants also indicated their opposition to the subject sign for aesthetic reasons. To support their position, the Protestants submitted a Petition in opposition to the relief requested which had been signed by numerous residents of the surrounding community.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. However, it must be determined if the conditions as delineated in Sections 413.3, 413.5 and 502.1 are satisfied.

Clearly, the sign if placed as requested would project further out than the building known as 202 Wise Avenue and would not be in compliance with Sections 303.2 and 413.3(c) of the B.C.Z.R. Thus, it must be moved back. In that instance, the potential visual impairment which the Protestants noted would be non-existent. The Protestants' other concerns were focused on aesthetic grounds and the philosophical differences as to the appropriateness of said sign due to the potential for the placement of advertisements which community members of surrounding neighborhoods may find offensive. Counsel for the Protestants provided a copy of the unreported decision of the Court of Special Appeals of Maryland in Penn Advertising of Baltimore, Inc. v. Mayor and City Council of Baltimore, Nos.

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Date 4/25/91
By [Signature]

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1070 and 1071 filed February 16, 1990 wherein a per curiam decision the Court held that

"...concerns over 'esthetic treatment' and 'visual blight' are not matters touching upon 'public health, security, safety, general welfare or morals' and are not an appropriate reason to oppose the granting of a conditional use. It is, moreover, obvious that all such complaints were generalized complaints about billboards generically and did not show any special adverse effect at the site of the proposed billboard above and beyond those adverse effects generally associated with billboards in that zone. The complaints clearly did not meet the required standard set out by Judge Davidson in Schultz v. Pritts, 291 Md. 1, 22-23 (1991):

"We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."

The Court held that there was not substantial evidence before the Board to justify its denial of the two applications in issue.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances have shown that the proposed use at the particular location described by Petitioner's Exhibit 1 would not have any adverse

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verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, and general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor, in any other way, be inconsistent with the spirit and intent of the B.C.Z.R.

The Department of Environmental Protection and Resource Management (DEPRM) has submitted comments dated March 1, 1991 in which they indicate the proposed use is not considered a "development activity" and as such, not subject to the requirements set forth in the Critical Areas legislation.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, as hereinafter modified.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted as modified.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of April, 1991 that the Petition for Special Exception to permit one (1) illuminated advertising sign, not to exceed 12' x 15', on the subject property, in accordance with Petitioner's Exhibit 1, except as herein modified, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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Date 4/25/91
By [Signature]

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CRITICAL AREA

#239
91-232-X

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for one (1) illuminated 12'x25' advertising (sign) structure single face

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contractor: Penn Advertising of Baltimore, Inc.
(Type or Print Name)
Donna T. Hayward
Signature
Legal Owner(s):
Edwin Hayes
(Type or Print Name)
Edwin Hayes
Signature
Address: 3001 Remington Avenue
Baltimore, Maryland 21211
City and State
Attorney for Petitioner:
(Type or Print Name)
Stuart R. Berger
Signature
Address: 200 Wise Avenue
Baltimore, Maryland 21222
City and State
Name, address and phone number of legal owner, contractor or representative to be contacted
Penn Advertising of Baltimore, Inc.
Name
3001 Remington Ave 21211 235-2320
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 25 day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of April, 1991, at 10:00 o'clock
J. Robert Haines
Zoning Commissioner of Baltimore County

X.C.O. No. 1

(over)

mjk - 12/13/90
avail anytime
est. time - 1 hr.

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioners shall submit to the Zoning Commissioner's Office a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, their size and area dimensions, their exact location on the subject property, distances between all signage within 200 feet of the requested sign, all uses on properties located within 200 feet of the subject sign, all curb sections located on the subject site, all automobile entrances to other uses within 200 feet of the subject sign, a parking plan, building lines within 200 feet of the subject sign, their distances from all property lines, and any other information as may be required to be a certified site plan. The new site plan shall establish full compliance with all applicable sections of the B.C.Z.R. Failure to comply with all of the requirements of the B.C.Z.R. will result in the need for a new special hearing to amend the site plan prior to the issuance of any permits.

3) The subject sign shall be moved back and placed at least a minimum of 30 feet from the right-of-way on Wise Avenue and in no event shall it be placed so that it projects beyond the front of the building known as 202 Wise Avenue.

4) There shall be no other freestanding signs on the subject property, whether or not permitted as of right.

5) Illumination of the subject sign shall be provided in such a manner so as to avoid glare or reflection onto any adjacent highway, or into the path of oncoming vehicles, or onto any adjacent residential properties. Said illumination is limited to the surface area of the sign.

6) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan which has been approved by the Director and/or Deputy Director of the Office of Planning. Said landscaping shall be implemented within seventy-five (75) days of the date of this

ORDER RECEIVED FOR FILING
Date 4/25/91
By [Signature]

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Order unless extended by the Director and/or Deputy Director of Planning.

7) When applying for any permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

AMN:bjs

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 4/25/91
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 25, 1991

Stuart R. Berger, Esquire
Weinberg and Green
100 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION
N/3 Wise Avenue, 120' E of the c/l of Evergreen Drive
(200 Wise Avenue)
12th Election District - 7th Councilmanic District
Edwin Hayes, et ux - Petitioners
Case No. 91-232-X

Dear Mr. Berger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Roger T. Cain, President, Rosewald Beach Civic League
8303 Bear Creek Drive, Baltimore, Md. 21222

Mr. Harry L. Rainier
2 Beach Drive, Baltimore, Md. 21222

Mr. John Ruke
16 Midway Avenue, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission
Towson State Office Building, D-4, Annapolis, Md. 21404

DEPRM; People's Counsel; File

PROPERTY DESCRIPTION

Beginning at a point 20' north side of Wise Avenue and 120'± East from the center line of Evergreens Drive.

Thence:

- 1) North 27° 35' East - 30'
 - 2) North 62° 25' West - 15'
 - 3) South 27° 35' West - 30'
 - 4) South 62° 25' East - 15'
- to the point of beginning

CRITICAL AREA

CRITICAL AREA

#239
91-232-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 2/19/91
Posted for: Special Exception
Petitioner: Edwin Hayes, et ux, Penn Adver. of Baltimore, Inc.
Location of property: N/S Wise Ave. 120' E of Evergreen Drive
Location of Sign: Property of Baltimore County
Remarks: Posted on N/S Wise Ave. No. 120' E of Evergreen Drive
Posted by: M. Hayes Date of return: 2/22/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle
4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222
February 21, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - P.O. #0110359 - Reg. #N50231 - Case #91-232-X - 60 lines @ \$30.00 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 22nd day of February 19 91; that is to say, the same was inserted in the issues of Feb. 21, 1991.

Kimbel Publication, Inc.
per Publisher.

By Kimbel

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-28, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-21, 1991.

THE JEFFERSONIAN,

S. Zebe
Publisher

\$ 35.18

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-232-X
N/S Wise Avenue, 120' E of Evergreen Drive
200 Wise Avenue
12th Election District
7th Councilmanic Legal Owner(s):
Edwin Hayes, et ux
Contract Purchaser(s): Penn Advertising of Baltimore, Inc.
Hearing Date: Friday, March 22, 1991 at 2:00 p.m.

Special Exception for one illuminated 12 ft. by 25 ft. advertising (sign) structure single-face.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
2/16 Feb. 21.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

CRITICAL AREA

Account: R-001-6150
Number

Date

111 West Chesapeake Avenue
Towson, Maryland 21204
March 22, 1991
2:00 p.m.

Please Make Checks Payable To: Baltimore County 2114740000-12-90

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

91-232

11100000

PUBLIC HEARING FEES
ADVERTISING FEES
TOTAL: \$90.18

Please Make Checks Payable To: Baltimore County 2114740000-12-91

\$90.18

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3-12-91

From Advertising of Baltimore, Inc.
3001 Remington Avenue
Baltimore, Maryland 21211

RE:
Case Number: 91-232-X
N/S Wise Avenue, 120' E of c/l Evergreen Drive
200 Wise Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Edwin Hayes, et ux
Contract Purchaser(s): Penn Advertising of Baltimore, Inc.
HEARING: Friday, March 22, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 90.18 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

JAN 31 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-232-X
N/S Wise Avenue, 120' E of c/l Evergreen Drive
200 Wise Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Edwin Hayes, et ux
Contract Purchaser(s): Penn Advertising of Baltimore, Inc.
HEARING: FRIDAY, MARCH 22, 1991 at 2:00 p.m.

Special Exception for one illuminated 12 ft. by 25 ft. advertising (sign) structure single-face.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Penn Advertising of Baltimore, Inc.
Edwin and Dorothy Hayes

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 13, 1991

Mr. & Mrs. Edwin Hayes
200 Wise Avenue
Baltimore, MD 21222

RE: Item No. 239, Case No. 91-232-X
Petitioner: Edwin Hayes, et ux
Petition for Special Exception

Dear Mr. & Mrs. Hayes:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Donna T. Hayward
Penn Advertising of Baltimore
3001 Remington Avenue
Baltimore, MD 21211

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 1st day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Edwin Hayes, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 26, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edwin Hayes, Item No. 239

The petitioner requests a Special Exception for an illuminated 12' X 25' advertising sign.

Staff believes the control of outdoor advertising signs is essential in protecting the health, safety and welfare of the citizens of Baltimore County. In certain locations, the unique scale and design of outdoor advertising signs clearly compromises public safety and traffic safety, since these signs are distracting. The very purpose of an outdoor advertising sign is to attract the attention of the operators of motor vehicles, so that a commercial message is noticed.

This office recognizes that high standards for signs enhance the aesthetic appearance of the community and the ability of the commercial sector to thrive in an attractive environment.

In many commercial areas it is difficult to locate commercial uses: not because of a general lack of signs, but because of excessive sign size which has been exacerbated by competitive waste. In many areas of the county, some business people increase signage in order to compete with each other for attention.

The Baltimore County Master Plan makes several references to the importance of controlling signage, specifically on Page 74, in the following issue is identified:

"The sign regulations need to be completely updated and revised. The regulations should distinguish between new and existing signs, as well as public and private signage. Incentives for...phasing out nonconforming uses should also be considered."

On Page 116 of the Master Plan the following short-term action is called for in the Eastern Sector:

"Clear up signage to reduce clutter and to provide adequate directional signage."

received
2/28/91

Edwin Hayes, Item No. 239
Page 2
February 26, 1991

The subject property is part of a strip commercial area that extends along Wise Avenue. Immediately to the rear of the property is a residential neighborhood zoned D.R.5.5. The residential community also extends to the rear of the commercial uses on the opposite side of Wise Avenue.

According to Jackie MacMillan, Community Planner, residents of the impacted communities strongly oppose the proposed sign.

In summary, staff suggests that the petitioner's request be denied since the use is incompatible with the adjacent residential communities. Future development should provide consistently attractive design components to enhance the built environment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM239/ZAC1

401 Bosley Avenue, Suite 405
Towson, MD 21204

887-3554
Fax 887-5781

January 11, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item No. 239

Z.A.C. January 2, 1991

Dear Mr. Haines:

Due to a previous complaint on the subject property, an inspector from our office met with Ms. Hayes at the site and she agreed to remove the yellow lines from the pavement on the east side of Evergreen Drive at Wise Avenue and also provide "No Parking" signs on the existing fence. It is desirable that these be part of the zoning order.

Very truly yours,

Rahee J. Farnill
Traffic Engineer II

RJF/lvd

received
1/14/91

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Department of Public Works

DATE: March 1, 1991

FROM: Mr. J. James Dieter, Director
Department of Environmental
Protection and Resource Management

SUBJECT: Petition for A Special Hearing - Item 239
Hayes Property
Chesapeake Bay Critical Area Findings

RECEIVED
MAR 11 1991
ZONING OFFICE

SITE LOCATION The subject property is located at the intersection of Wise Avenue and Evergreen Drive. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANTS Mr. Edwin Hayes

APPLICANT PROPOSAL The applicant has requested a Special Exception to approve a "one illuminated 12' X 25' advertising (sign) structure, single face".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a findings which assures that proposed projects are consistent with the following goals of the Chesapeake Bay Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

Mr. J. Robert Haines
March 1, 1991
Page 2

DEFINITIONS

"Development Activities" means the construction or substantial alteration of residential, commercial, industrial, or transportation facilities or structures." <COMAR 14.15.01.01.A(21)>.

REGULATIONS AND FINDINGS

1. **Regulation:** "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loading by ten percent of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 22-216>.

Findings: The placement of the advertising sign on this property is not considered a "Development Activity" as defined above. Therefore, this project shall not need to reduce pollutant loadings by 10% of the on-site level.

CONCLUSION

This project proposal does not require a Chesapeake Bay Critical Area Findings for the reasons stated above.

Please contact Mr. David C. Flowers at 887-2904 if you require additional information.

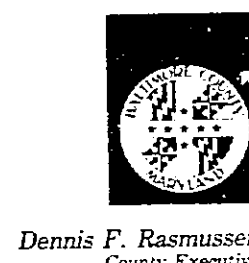
J. J. Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:DCF:ju
cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mrs. Janice B. Outen
Mr. Edwin Hayes
Penn Advertising of Baltimore, Inc.
Mr. Ronald B. Hickernell

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(801) 887-4500

Paul H. Reincke
Chief

DECEMBER 26, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EDWIN HAYES
Location: #200 WISE AVENUE

Item No.: 239 Zoning Agenda: JANUARY 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. John H. Kelly* 12-27-90
Planning Group
Special Inspection Division

Noted and Approved
Fire Prevention Bureau

JK/KEK

received
12/28/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 31, 1990

FROM: Robert M. Pauling, P.E.

RE: Zoning Advisory Committee Meeting
for January 2, 1991

The Development Engineering Division has reviewed the subject zoning item and has no comments for Items 229 provided, 232, 234, 235, 237, 238, 239, 240, 241 and 242.

For Items 243 and 245, the Planning and Review Group comments are applicable.

Robert M. Pauling
ROBERT M. PAULING, P.E., Chief
Development Engineering Division

RMP:c

received
1/8/91

8366-03/15/91
BP025/75076

IN THE MATTER OF A
PETITION FOR SPECIAL
EXCEPTION AT
N/S Weiss Avenue,

120° E of C/L Evergreen Dr.
200 Weiss Avenue
12th Election District-
7th Councilmanic

EDWIN HAYES, et ux.,
Petitioner

* BALTIMORE COUNTY
* Zoning Case No. 91-232-X
* Item No.: 239

ENTRY OF APPEARANCE

Please enter the appearance of Stuart R. Berger and Weinberg and Green as attorneys for the Petitioner and Contract Lessee in the above-captioned case.

Respectfully submitted,

Stuart R. Berger
Stuart R. Berger

WEINBERG AND GREEN
100 South Charles Street
Baltimore, Maryland 21201
(301) 332-8662

Attorneys for the Petitioner/
Contract Lessee

WE, THE RESIDENTS OF THE COMMUNITIES KNOWN AS OLD INVERNESS AND ROSEWALD BEACH, PROTEST THE ERECTION OF A BILLBOARD AT EVERGREEN DRIVE AND WISE AVE. ON PROPERTY OWNED BY THOMAS HAYES OF COASTAL INSULATION, OR AT ANY OTHER LOCATION IN OUR COMMUNITIES.

Doris M. Hagan
 17 Seabright Ave.
 215-3450
 Doris M. Hagan
 17 Seabright Ave.
 Joseph R. White
 13 Seabright Ave.
 Ruth White
 15 Seabright Ave.
 Ed & Mary Jane Brown
 11 Seabright Ave.
 Norma J. Hameel
 2 Seabright Ave.
 George W. Hameel
 2 Seabright Ave.
 William K. Hameel
 6 Seabright Ave.
 Union Lamm
 4 Seabright Ave.
 Michael R. Brown
 4 Seabright Ave.
 Norma M. Hagan
 8 Seabright Ave.
 George W. Hameel
 14 Seabright Ave.
 Pauline Johnson
 14 Seabright Ave.
 Louis F. Brown
 16 Seabright Ave.
 W. A. Hagan
 29 Seabright Ave.
 Ralph H. Hagan
 23 Seabright Ave.
 Paul W. Hagan
 31 Seabright Ave.
 Charles Hagan
 12 Seabright Ave.
 OVER

WE, THE RESIDENTS OF THE COMMUNITIES KNOWN AS OLD INVERNESS AND ROSEWALD BEACH, PROTEST THE ERECTION OF A BILLBOARD AT EVERGREEN DRIVE AND WISE AVE. ON PROPERTY OWNED BY THOMAS HAYES OF COASTAL INSULATION, OR AT ANY OTHER LOCATION IN OUR COMMUNITIES.

1. Mrs. Anna Carson
 578 Bayview Drive
 2. Mrs. Anna Carson
 578 Bayview Drive
 3. Mrs. Anna Carson
 578 Bayview Drive
 4. Mrs. Anna Carson
 578 Bayview Drive
 5. Mrs. Anna Carson
 578 Bayview Drive
 6. Mrs. Anna Carson
 578 Bayview Drive
 7. Mrs. Anna Carson
 578 Bayview Drive

WE THE RESIDENTS OF THE COMMUNITIES KNOWN AS OLD INVERNESS AND ROSEWALD BEACH, PROTEST THE ERECTION OF A BILLBOARD AT EVERGREEN DRIVE AND WISE AVENUE, ON THE PROPERTY OWNED BY THOMAS HAYES OF COASTAL INSULATION OR AT ANY OTHER LOCATION IN OUR COMMUNITIES.

NAMES	ADDRESS
1. Mrs. Anna Carson	578 Bayview Dr.
2. Mrs. Anna Carson	578 Bayview Dr.
3. Mrs. Anna Carson	578 Bayview Dr.
4. Mrs. Anna Carson	578 Bayview Dr.
5. Mrs. Anna Carson	578 Bayview Dr.
6. Mrs. Anna Carson	578 Bayview Dr.
7. Mrs. Anna Carson	578 Bayview Dr.
8. Mrs. Anna Carson	578 Bayview Dr.
9. Mrs. Anna Carson	578 Bayview Dr.
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11. Mrs. Anna Carson	578 Bayview Dr.
12. Mrs. Anna Carson	578 Bayview Dr.
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23. Mrs. Anna Carson	578 Bayview Dr.
24. Mrs. Anna Carson	578 Bayview Dr.
25. Mrs. Anna Carson	578 Bayview Dr.
26. Mrs. Anna Carson	578 Bayview Dr.
27. Mrs. Anna Carson	578 Bayview Dr.
28. Mrs. Anna Carson	578 Bayview Dr.

Rosewald Beach Civic League, Inc.

It has come to the attention of the Rosewald Beach Civic League that Penn Advertising Company has leased property on the corner of Evergreen Drive and Wise Avenue for the purpose of installing an oversized billboard. According to the Planning Board in Towson, Penn Advertising is requesting a variance to erect a 450 square foot billboard (a regular size billboard is 300 square feet.) The top of this structure would be twenty-five feet high. Of course if this variance is granted and this billboard erected, community residents would have no say as to what is advertised.

The Board of Officers of your community organization are strongly opposed to this request and are planning to attend a hearing to be held in March to voice our opposition. Do we need or want a billboard of this size in our community? Will this advertising distract drivers on Wise Avenue to the point of unsafe travel on an already congested corner?

If you the resident are opposed to this variance and support the position of the officers of our community organization, we are requesting that you attend the next regular meeting on Thursday, February 28, 1991 at 8:00 P.M. in the Wise Avenue Volunteer Fire Hall, to sign the petition against this request. If you cannot attend the meeting then please contact me at 477-1700 8:00 A.M. - 5:00 P.M. for other arrangements.

Respectfully,

Roger T. Cain
 Roger T. Cain

PROTESTANT'S
 EXHIBIT 2

PETITION OF OPPOSITION

WE THE RESIDENTS OF THE COMMUNITY KNOWN AS "ROSEWALD BEACH" ARE OPPOSED AND PROTEST THE ERECTION OF A BILLBOARD AT EVERGREEN DRIVE AND WISE AVENUE, ON THE PROPERTY OWNED BY THOMAS HAYES OF COASTAL INSULATION OR ANY OTHER LOCATION IN OUR COMMUNITY.

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1. EXISTING ZONING: BL
2. PROPOSED ZONING: BL
3. LOT AREA: 0.25 AC +/- GROSS
4. NET AREA: 0.16 AC +/- NET
5. SPECIAL EXCEPTION: TO PERMIT A FREE STANDING ILLUMINATED OUTDOOR AIR EXHAUST SIGN
6. VARIANCES: NONE
7. EXISTING USE: RETAIL/SERVICE BUILDING
8. PROPOSED USE: OUTDOOR ADVERTISING SIGN
9. PREVIOUS ZONING HEARINGS: NONE
10. CPG PLANS: NONE
11. OWNERSHIP INFORMATION: EDWIN J. HAYES
200-200 WEE AVENUE
BALTIMORE, MD

- [illegible]

PERCENT COMMERCIAL 500/550 X 100 = 90%

F. THERE ARE NO EXISTING OUTDOOR ADVERTISING SIGNS WITHIN 500 FEET OF THE PROPOSED SIGN LOCATION.

G. N/A

H. N/A

I. N/A

- SECTION 413.5 (INCP)
- A. THE SURFACE AREA OF THE PROPOSED SIGN INCLUDES THE ENTIRE FACE OR FACES OF THE SIGN. (SEE ELEVATION.)
 - B. THE SIGN SHALL BE LOCATED ALONG THE STREET RIGHT-OF-WAY.
 - C. THE SIGN HAS BEEN LOCATED TO ALLOW CLEAR AND AMPLIFIED VISUAL SIGHT LINES FROM ALL EXISTING DRIVEWAYS AND STREET INTERSECTIONS.
 - D. THE SIGN SHALL BE LOCATED MORE THAN 25 FEET ABOVE THE LEVEL OF THE STREET (WIDE AVENUE).
 - E. THE SIGN WILL BE ILLUMINATED IN SUCH A WAY TO AVOID GLARE AND REFLECTIVE GLARE ONTO ADJACENT BUS-STOP VEHICLES OR ONTO ANY ADJACENT RESIDENTIAL PREMISES. LIGHTING WILL BE MOUNTED ON THE TOP OF THE SIGN AND AIMED DIRECTLY AT THE SIGN.

CASE NO. 91-232-X

THEREFORE, IT IS ORDERED by the Deputy County Commissioner for Baltimore County this 27th day of April, 1994 that the Petition for Special License to permit one (1) illuminated advertising sign, not to exceed 12' x 15', on the subject property, in accordance with Petitioner's Exhibit "1," except as herein modified, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- [illegible]

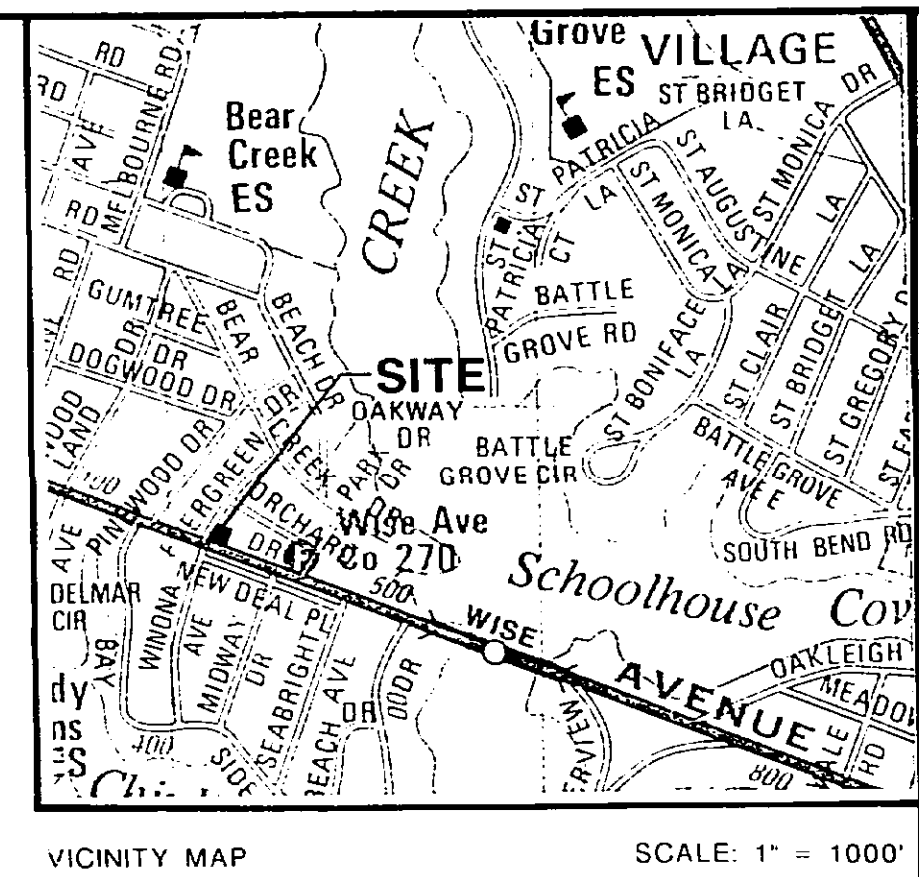
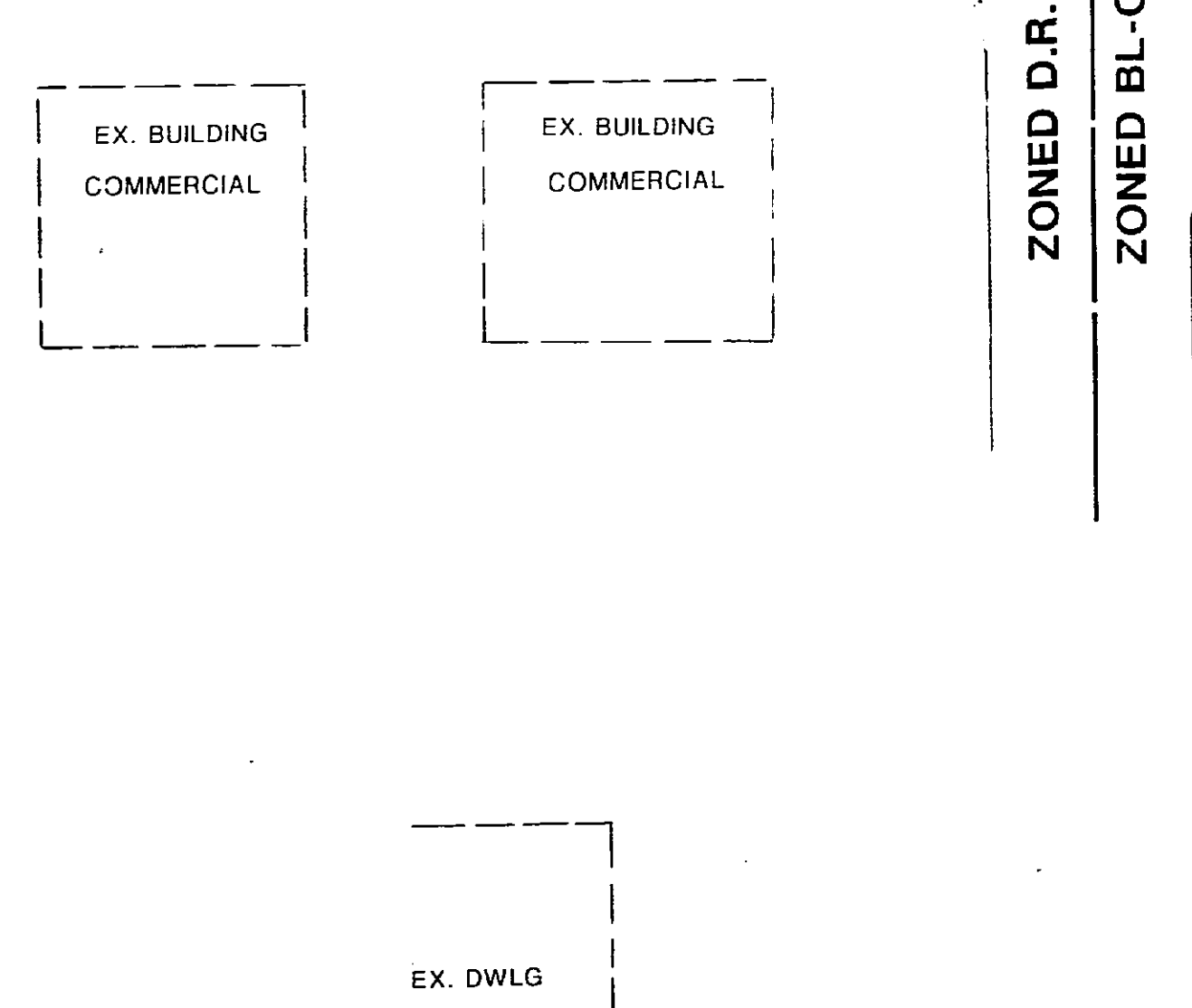
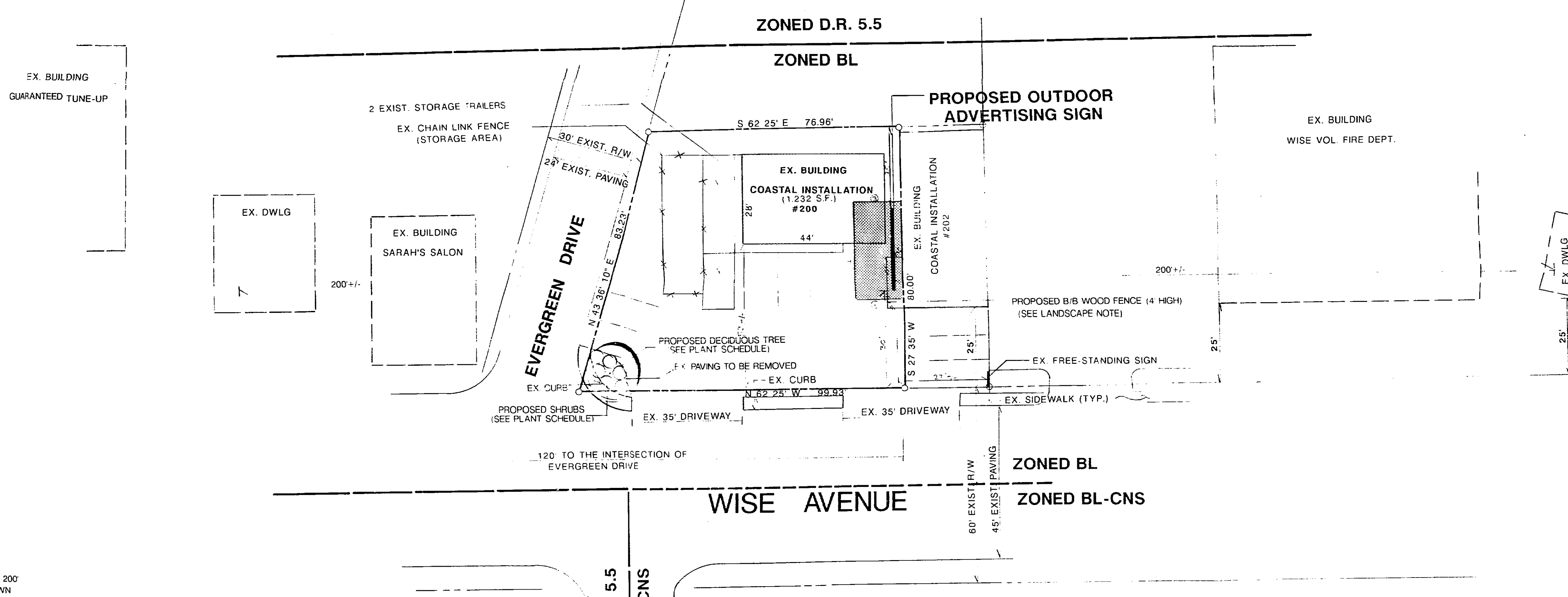
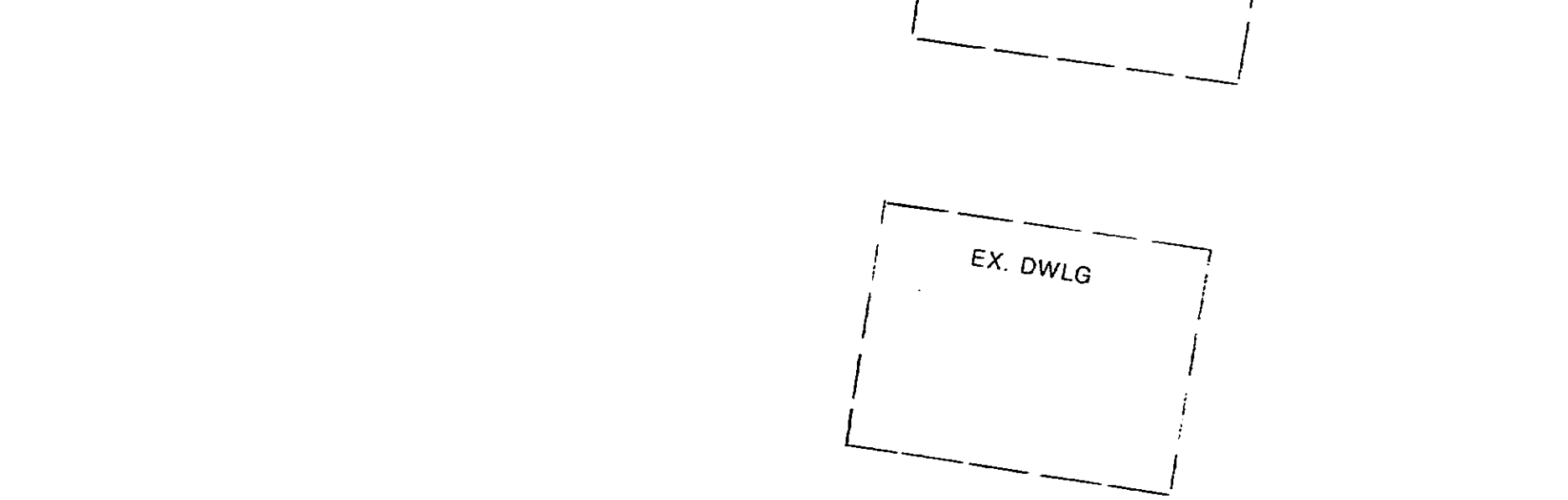
Per a meeting held between Patrick Keller, Deputy Director of the Office of Planning and William Voss, representative for the applicant, on March 31, 1992, the following landscape improvements as noted on this plat shall be required:

1. a minimum 4' high board on board wood fence shall be constructed at the base of the subject outdoor advertising sign to screen the storage area
2. the macadam area at the intersection of Wise Avenue and Evergreen Drive shall be removed and planted with a singular deciduous tree for ground cover and/or shrubs in the balance of the area.

NO.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	CONDITION
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1	ZELKOVA SERRATA	VILLAGE GREEN	2-2 1/2" CAL.	B/R	
6	JUNIPERUS CHINENSIS	SHORE JUNIPER	18"	4' O.C.	CONT.
	CONFERTA				

BY ANN M. NASTAROWICZ
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY



APPLICANT:
PENN ADVERTISING OF BALTIMORE, INC.
3001 REMINGTON AVENUE
BALTIMORE, MARYLAND 21211

PLAN TO ACCOMPANY
SPECIAL EXCEPTION APPLICATION
200 WISE AVENUE
BALTIMORE COUNTY, MARYLAND

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
2222 BOSLEY AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 494-8931

Revised per index
91-2327